IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-505-B)

In re Application of:)
)
Progulske-Fox)
) **Examiner: Not Assigned**
Serial No.: 09/980,845)
) **Group Art Unit: Not Assigned**
Filed: August 4, 2000)
) **Conf. No. 3701**
For: Microbial Polynucleotides Expressed)
During Infection of a Host)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(A)

This paper is filed in response to the notification of abandonment mailed in the above-mentioned application on March 3, 2006. Applicants respectfully request reconsideration of the holding of abandonment.

The notification of abandonment states that the Applicant failed to respond to the notification of missing requirements mailed February 28, 2002 within the time period set therein. *See,* Appendix A. Therefore, it appears that Office has abandoned the application based on a failure to reply within a set time period. *See,* MPEP §711.03(b). However, the Applicants clearly responded in a timely manner to the notification of missing requirements mailed on February 28, 2002. A response to the notice was filed on March 27, 2002 and a stamped postcard was received from the Office indicating that the response was indeed received. *See,* Appendix B. Additionally, the response was filed under the provisions of 37 CFR §1.8 by the undersigned. The undersigned states that the response was filed properly on March 27, 2002 under the requirements of 37 CFR §1.8. The response included the required declaration, a paper copy of the

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 SOUTH WACKER DRIVE, 32ND FLOOR
CHICAGO, IL 60606
(312)913-0001

sequence listing, a computer-readable form of the sequence listing, a statement under 37 CFR §1.821, and a fee. *See,* Appendix B. Therefore, the application cannot be abandoned for failure to timely respond to the notification of missing requirements of February 28, 2002.

On June 12, 2002 a notification of defective response was issued by the Office. *See,* Appendix C. The notification stated that the computer readable form filed with the application was found to be damaged and/or unreadable as evidenced by the attached CFR Problem Diskette Report. No CFR Problem Diskette Report was attached. The notification also stated that the computer readable form did not comply with the sequence listing requirements. A Raw Sequence Listing Error Report was attached to the notification. Applicants assumed that the computer readable form of the sequence listing was not damaged or defective since a Raw Sequence Listing Error Report was generated. A response was timely filed by the applicants on June 24, 2002 under the requirements of 37 CFR §1.8. The undersigned states that the response was filed properly on June 24, 2002 under the requirements of 37 CFR §1.8. A stamped postcard was received from the Office to evidence receipt. *See,* Appendix D. It was the undersigned's good faith belief that all errors listed in the raw sequence listing error report were corrected in the response of June 24, 2002. *See,* Appendix D.

Two and one half years later, on January 3, 2005, another notification of defective response was received from the Office. *See,* Appendix E. The notification stated that (1) the content of the computer readable form submitted on June 24, 2002 did not comply with the requirement of Annex C as indicated by the attached marked up copy of the "Raw Sequence Listing"; and (2) that the computer readable form was found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. However, no Raw Sequence Listing Error Report or Diskette Problem Report was attached to the notification.

On January 24, 2005 the undersigned requested the Raw Sequence Listing Error Report and/or Diskette Problem Report from Examiner Vonda Wallace via both phone and facsimile. *See,* Appendix F. No response was received from Examiner Wallace. Since no extensions of time were available to applicants, a response was filed on February 3, 2005 under the requirements of 37 CFR §1.8. The undersigned states that the response was filed properly on February 3, 2005 under the requirements of 37 CFR §1.8. A stamped postcard was received from the Office to

evidence receipt. *See,* Appendix G. The response included an explanation of the situation and a written copy and computer-readable form of the sequence listing. *See,* Appendix G.
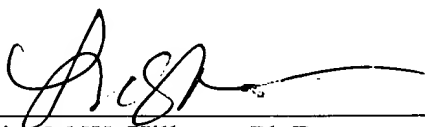
Well over a year later, on March 3, 2006, a notice of abandonment for failure to reply to the notification of missing requirements of February 28, 2002 was issued. *See,* Appendix H. Attached to the notification was a Raw Sequence Listing Error Report dated January 18, 2006. It is unclear which version of the sequence listing was used to generate this report or why a copy of the Raw Sequence Listing Error Report from the January 3, 2005 notification was never provided to the Applicants.

All replies have been filed within time periods set within the notifications. The Office **has not** alleged that the application has been abandoned based on an insufficiency of reply. *See,* MPEP §711.03(a). Applicants have made a good faith effort to timely and correctly respond to the notifications received from the office despite the fact that the notifications were incomplete and/or inconsistent (*i.e.,* missing reports or stating that the disk was damaged and/or unreadable and providing a report from a clearly readable disk) and a request for clarification went unanswered. Applicants respectfully request that the application be reinstated.

A new written copy and computer readable form of the sequence listing is attached. The new version of the sequence listing addresses the errors in the Raw Sequence Listing Report attached to the Notification of Abandonment. Applicants respectfully request that this version of the sequence listing be entered into the application in place of previously submitted versions of the sequence listing. The written and computer readable forms of the sequence listing are identical and add no new matter.

Respectfully submitted,

Dated: 3/16/06   By:

Lisa M.W. Hillman, Ph.D.
Reg. No. 43,673

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	Group Art Unit: TBA
Progulske-Fox	)	
	)	Examiner: TBA
Serial No. 09/980,845	)	
	)	Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000	)	
	)	Intnl. Appl. No.: PCT/US00/2130
Priority Date: Aug. 6, 1999	)	

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

    a) Response to Notice to File Missing Parts;
    b) Declaration and Power of Attorney;
    c) Statement Under 37 C.F.R. § 1.821
    d) Paper copy of Sequence Listing and Diskette copy;
    e) Filing Fee Check;
    f) Return postcard.

2. With respect to fees:
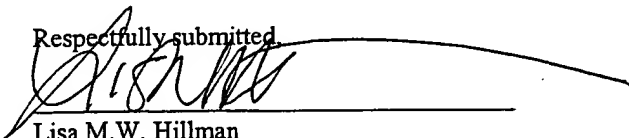
    a) A check in the amount of $65.00 is enclosed.
    b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on March 27, 2002.

Respectfully submitted,

Date: March 27, 2002

Lisa M.W. Hillman
Registration No. 43,673

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606
(312)913-0001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.
PCT/US00/21340

I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000007521267

Date Mailed: 02/28/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Request for Immediate Examination
- Small Entity Statement

DOCKETED

MAR 0 8 2002

DUE DATE: 4/28/02

BY: K.B.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

    - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
    - APPLICANT MUST PROVIDE:
        - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
        - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

    - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: TBA
)	
Progulske-Fox)	Examiner: TBA
)	
Serial No. 09/980,845)	Atty. Dckt. No.: 00-505-B
)	
International Filing Date: Aug. 4, 2000)	Intnl. Appl. No.: PCT/US00/2130
)	
Priority Date: Aug. 6, 1999)	

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**
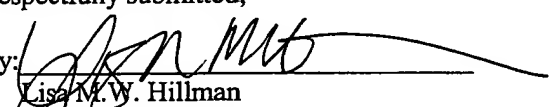
<u>**RESPONSE TO NOTICE TO FILE MISSING PARTS**</u>

Box Missing Parts
Assistant Commissioner of Patents
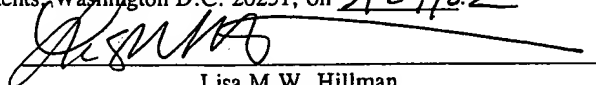Washington, D.C. 20231

Dear Sir:

     The attached executed declaration is submitted in response to the Notification of Missing Requirements

Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed on February 28, 2002, in the

above-mentioned case. Also enclosed is a paper copy of the sequence listing, a diskette containing the sequence

listing and Statement Under 37 C.F.R. §1.821. A check for sixty-five dollars ($65) for an oath or declaration

surcharge is enclosed. It is believed that no further fee is due to make this filing complete; however, if a fee or

credit is due the Commissioner is authorized to charge or credit our Deposit Account No. 13-2490.

Respectfully submitted,

Date: 3/27/02

By: Lisa M.W. Hillman
Registration No.: 43,673

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No.00-505-B)

In the Application of:)	
)	
Progulske-Fox)	Art Group: Not assigned
)	
Serial No.: 09/980,845)	
)	Examiner: Not assigned
Filed: August 4, 2000)	
)	
For: Microbial Polynucleotides Expressed)	
During Infection of a Host)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. The Compact Disc contained herein ("00-505 ST25")
   submitted under 37 C.F.R.§1.52(e):

   ☒ Is formatted for IBM-PC Machines
   ☒ Is compatible with MS-Windows Operating System
   ☒ Contains the file "00-505 ST25" which is 26,624
   bytes in size and was created on 03/16/2006.

2. Statement under 37 C.F.R. § 1.821(f): The undersigned certifies that the original CD-R submitted herein, titled "00-505 ST25" (COPY 1) and the copy CD-R entitled "00-505 ST25" (COPY 2) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006   By: _____

Lisa M.W. Hillman
Reg. No. 43,673

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
32nd Floor
Chicago, Illinois 60606
Phone: 312-913-0001
Fax: 312-913-0002

Progulske-Fox et al   imation

"MICROBIAL POLYPEPTIDES
EXPRESSED DURING INFECTION
OF A HOST"   MS-DOS

RECORDED ON 1-18-2005
APPL. SER. NO. 09/980,845

ATTY REF NO. 00-50SB
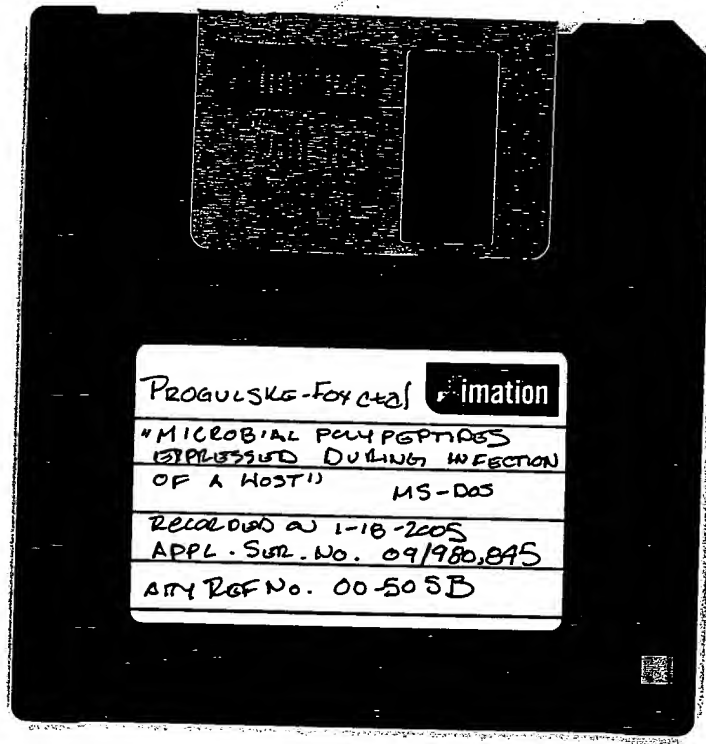
Hon. Commissioner of   SN 09/980,845   Atty   LMWH/tmp
Patents and Trademarks

     Re: Applicant Progulske-Fox   Case No.: 00-505-B

Microbial Polynucleotides Expressed During Infection of a Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

☒ Transmittal Letter (with Duplicate)
☒ Response to Notice of Defective Response
☒ Copy of Notification of Defective Response
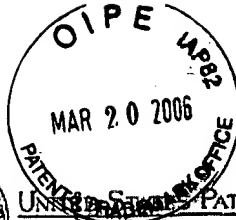☒ Paper and disk copy of correct sequence listing
☒ Return Receipt Postcard
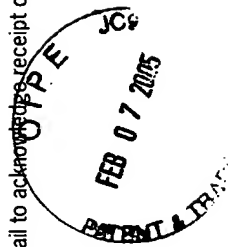
Fee Enclosed
$0.00
February 3, 2005

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.	
PCT/US00/21340	
I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371
ABANDONMENT/TERMINATION LETTER

OC000000018184385

Date Mailed: 03/03/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/28/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
	) Group Art Unit: TBA
Progulske-Fox	)
	) Examiner: TBA
Serial No. 09/980,845	)
	) Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000	)
	) Intnl. Appl. No.: PCT/US00/2130
Priority Date: Aug. 6, 1999	)

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

STATEMENT UNDER 37 C.F.R. §1.821

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed is a written copy and a computer-readable copy of the sequence listing

in the above mentioned case. The information recorded in computer readable form is

identical to the written sequence listing. No new matter is added by the sequence listing.

Respectfully submitted,

Date: 3-27-02

By: _____
Lisa M.W. Hillman
Reg. No. 43,673
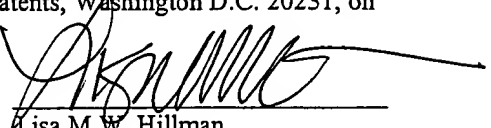
MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first
class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on
3-27-02   .

Date: 3-27-02

_____
Lisa M.W. Hillman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(00-505-B)

In re the Application of: Progulske-Fox)	
)	
Serial No: 09/980,845)	Group Art Unit: TBA
)	
Filed: August 4, 2000)	Examiner: TBA
)	
For: Microbial Polynucleotides Expressed)	
During Infection of a Host)	
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir/Madam:
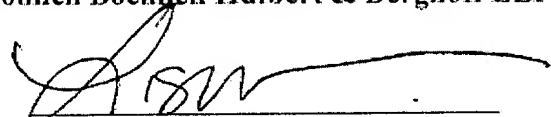
The undersigned declares that the content of the Sequence Listing, submitted in the above-identified application in compliance with 37 C.F.R. § 1.52(e) on Compact Disc-Recordable (CD-R) medium in duplicate (COPY 1 and COPY 2) in lieu of the paper copy under 37 C.F.R. § 1.821(c) and the computer readable form copy of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. 1.821(e), are identical in content. The sequence listing, submitted herewith, does not extend beyond the scope of the specification, and thus, does not contain new matter.

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006

By: Lisa M.W. Hillman
Reg. No. 43,673

SEQUENCE LISTING

<110> Handfield, Martin
Brady, Jeannine
Progulske-Fox, Ann
Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of a Host

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agtgccggtg gaggcggnga aaattcactc acttggtgcg gaaggcaatg atgtgggatt 180
gaaagcccat catggcgggt ggataaagcg ttatttttta tgtcggcaga tgcctttcct 240
gcgttaaatg cgttattaga cgaaaatttt tcgtatcagg acacagcagt ttacggcgag 300
aattttgtgg tttccgcgct gaatgaagat tccgtgtgtg tgggcgatat ttatcaaatc 360
ggctcctgcg tggtggaggt gtcgcagccg cgtaaacctt gtgagcgctt atcgaaaaat 420
accaataatc cgaacacgca acaaaccgtg tacgctncng ctggtcnggc tggtatgtgc 480
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ctgaacggtt cgcacagttg gtttgtggcg gacgcatcgg aagatttgac gcaactgcaa 180
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agtgcggtgg attttgagaa tgaaattttt gtcgcgcacc aagccttgtt ccatttgatg 300
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acggcgttgg tacgcgagct ggtgaatgtt gaaaactgaa aaacgagaag aaaaacagga 480
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aatattcgca aaaaagattt ggaaacgcca acgccttata acacctatgt gattgacggc 240
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gcgcaaacgg cgttttatta tttcgtggca gacggcacgg ggggacacaa attcagtcgt 360
aatttaaacg aacataacaa agcggtgcag caatatttgc gctggtaccg cgaacaaaac 420
ggaaaataat atggtaggca aatttattgt cattgaaggc ttggaaggcg caggcaaaag 480
caccgctcat caatgcgttg tggatacgtt aaaaacgtta ggtgttgggg aagtcatctc 540
tacccgcgag ccgggcggca cacccgttgg cggaaaagct acgccatctc attaaacatg 600
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tagcaagccc cgccagttgg ctgtataaca acgcaaaaat gaatccgcac agaatcggaa 180
atgtcgggct gatgtaacgc gtcggcaagg caaattgcag tagacgcgcc aaggtaaaac 240
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tgccggtgcg gtgcccgctt gggttatcgg ctgattggtt gccggtgcag cagtacctac 240
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ttgtccgacg cttaagctgt aaggttcgga catattattc aacgccgcca attctttcac 480
atccaaacca gaaatgtagg cgataaggaa catggtgtca cctttgcgta cggtatangt 540

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aaaagaaaaa tacaacttag acgtagaata cgttttattc atgactacgc cttgccaaac 180
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gcgcttattt aagctaaaac accatcttgg cattcaggga tttttatccg ggctattcac 180
ttttgtcctg cgttccggtg ccagattatt gccgacatca ttactgaaaa acatctatca 240
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agtgcggtgg attttgagaa tgaaattttt gtcgcgcacc aagccttgtt ccatttgatg 300
cggcaagaac gcgtgaaagc cgcccgccgt ccgattttaa tgcaggcgca acagtttcaa 360
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gccttcagtt ncttaacctt ggtgaagccg ntgtattccg ttcatttggn aaagcggnga 180
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ccgatgtgcc ttacgaagaa ctgaaaggca ttaaagtgtg ccatttgggc taccgttctt 540
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<210> 13
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<212> DNA
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aaaatgaagc tgcaaaccga tccgaccgtc atttacggca tgggcgacga ctacaacggc 180
aatattcgca aaaaagattt ggaaacgcca acgccttata acacctatgt gattgacggc 240
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10

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gcgcaaacgg cgtttctatta tttcgtggca gacggcacgg ggggacacaa attcagtcgt 360
aatttaaacg aacataacaa agcggtgcag caatatttgc gctggtaccg cgaacaaaac 420
ggaaaataa                                                          429
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caatgcgttg tggatacgtt aaaaacgtta ggtgttgggg aagtcatctc tacccgcgag 120
ccgggcggca cacccgttgg cggaaaagct acgccatctc at                     162
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Pro Ala Thr Ile Lys Val Gly Val Met Ala Gly Pro Glu His Gln Val
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            20                  25                  30

Leu Asn Gln Ala Lys Ala Glu Trp Arg Leu Phe Lys Leu Lys His His
        35                  40                  45

Leu Gly Ile Gln Gly Phe Leu Ser Gly Leu Phe Thr Phe Val Leu Arg
    50                  55                  60
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11

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Thr Phe Leu Arg Lys
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                 20   25   30

Val Leu Asn Gly Asp Val Leu Gln Leu Asn Gly Ser His Ser Trp Phe
            35   40   45

Val Ala Asp Ala Ser Glu Asp Leu Thr Gln Leu Gln Gln Arg Leu Ala
        50   55   60

Gln Arg Asp Ile Leu Leu Thr Ala Pro Leu Ile Gly Glu Glu Asp Lys
 65   70   75   80

Ser Ala Val Asp Phe Glu Asn Glu Ile Phe Val Ala His Gln Ala Leu
                 85   90   95

Phe His Leu Met Arg Gln Glu Arg Val Lys Ala Ala Arg Arg Pro Ile
            100   105   110

Leu Met Gln Ala Gln Gln Phe Gln Trp Gln Phe Glu Pro Asn Gly Leu
            115   120   125

Arg Leu Lys Phe Tyr Leu Pro Ala Gly Ser Tyr Ala Thr Ala Leu Val
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Arg Glu Leu Val Asn Val Glu Asn
145   150

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Pro Asp Ser Asn Arg Lys Arg Arg Leu Gln Xaa Leu Asn Leu Gly Glu
          35   40   45

Ala Xaa Val Phe Arg Ser Phe Gly Lys Ala Xaa Ile Ile Ala Ser Thr
      50   55   60

Ala Xaa Pro Ala Xaa Cys Val His Ile Ala Leu Thr Gly Phe Leu Ser
 65   70   75   80

Gly Arg Ile Asp Leu Val Ile Ser Gly Ile Asn Ala Gly Ala Asn Leu
              85   90   95

Gly Asp Asp Val Leu Tyr Ser Gly Thr Val Ala Ala Ala Phe Glu Gly
          100   105   110

Arg His Leu Gly Leu Pro Ser Ile Ala Val Ser Leu Asp Gly Arg Gln
          115   120   125

His Phe Glu Thr Ala Ala Arg Val Val Cys Asp Leu Val Pro Lys Leu
      130   135   140

His Ala Gln Leu Leu Gly Lys His Glu Ile Leu Asn Ile Asn Val Pro
145   150   155   160

Asp Val Pro Tyr Glu Glu Leu Lys Gly Ile Lys Val Cys His Leu Gly
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Tyr Arg Ser Ser Ala Ser Glu Val Ile Lys Gln Gln Ser Pro Arg Gly
              180   185   190

Glu Asp Met Tyr Trp Ile
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<210> 19
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Val Phe Ile Asn Arg Leu Lys Ala Lys Met Lys Leu Gln Thr Asp Pro
            35   40   45

Thr Val Ile Tyr Gly Met Gly Asp Asp Tyr Asn Gly Asn Ile Arg Lys
        50   55   60

Lys Asp Leu Glu Thr Pro Thr Pro Tyr Asn Thr Tyr Val Ile Asp Gly
65   70   75   80

Leu Pro Pro Thr Pro Ile Ala Met Pro Ser Glu Glu Ala Leu Gln Ala
                85   90   95

Val Ala His Pro Ala Gln Thr Ala Phe Tyr Tyr Phe Val Ala Asp Gly
            100   105   110

Thr Gly Gly His Lys Phe Ser Arg Asn Leu Asn Glu His Asn Lys Ala
            115   120   125

Val Gln Gln Tyr Leu Arg Trp Tyr Arg Glu Gln Asn Gly Lys
    130   135   140

<210> 20
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                20   25   30

Gly Glu Val Ile Ser Thr Arg Glu Pro Gly Gly Thr Pro Val Gly Gly
            35   40   45

Lys Ala Thr Pro Ser His
    50

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JC05 Rec'd PCT/PTO 0 8 APR 2002

Hon. Commissioner of
Patents and Trademarks

Atty   LMWH

Re: Applicant - Progulske-Fox, et al.

Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

S/N 09/980,845

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of

☒ Transmittal Letter
☒ Signed Declaration
☒ Filing Fee Check
☒ Other Response to Notice to File Missing Parts; Statement Under 37 CFR §1.821; Diskette and paper copy of sequence listing

Fee Enclosed

$ 65.00
March 27, 2002

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 20 2006

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Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.
PCT/US00/21340

I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 06/12/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

DOCKETED

JUN 20 2002

2nd Ext. Missing Parts
DUE DATE: 6/28/02
BY: KB

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: TBA
Progulske-Fox)	Examiner: TBA
Serial No. 09/980,845)	Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000)	Intnl. Appl. No.: PCT/US00/2130
Priority Date: Aug. 6, 1999)	

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1.   We are transmitting herewith the attached:

a)   Response to Notice of Defective Response;
b)   Written copy of sequence listing;
c)   Computer Readable copy of sequence listing; and
d)   Return postcard

2.   With respect to fees:

a)   It is believed no fee is due at this time.
b)   Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.

3.   GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4.   CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on June 24, 2002.

Respectfully submitted,

Lisa M.W. Hillman
Registration No. 43,673

Date: June 24, 2002

McDonnell Boehnen Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606
(312)913-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)   Group Art Unit: TBA
Progulske-Fox)
)   Examiner: TBA
Serial No. 09/980,845)
)   Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000)
)   Intnl. Appl. No.: PCT/US00/2130
Priority Date: Aug. 6, 1999)

For: MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This paper is filed in response to the Notification of Defective Response mailed

on June 12, 2002, in the above-mentioned case. It is believed that no fee is due in

connection with this filing; however, if a fee is due please charge our deposit account
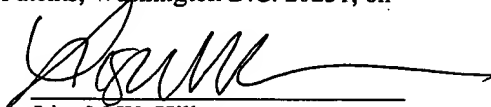
number 13-2490.

Enclosed is a written copy and a computer-readable copy of the sequence listing

in the above mentioned case. The information recorded in computer readable form is

identical to the written sequence listing. No new matter is added by the sequence listing.

Applicants respectfully request that the specification of the application be amended by

---

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)
I hereby certify that this correspondence is being deposited with the United States Postal Service as first
class mail in an envelope addressed to the Assistant Commissioner of Patents, Washington D.C. 20231, on
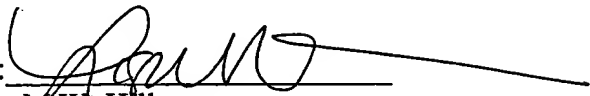6/24/02   .

Date: 6/24/02

Lisa M.W. Hillman

deleting the previously filed sequence listing and the entry of the enclosed sequence

listing.

Respectfully submitted,

Date: 6/24/02

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

<110> Handfield, Martin
      Brady, Jeannine
      Progulske-Fox, Ann
      Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of
      a Host

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10

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11

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Ser Ala Val Asp Phe Glu Asn Glu Ile Phe Val Ala His Gln Ala Leu
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Phe His Leu Met Arg Gln Glu Arg Val Lys Ala Ala Arg Arg Pro Ile
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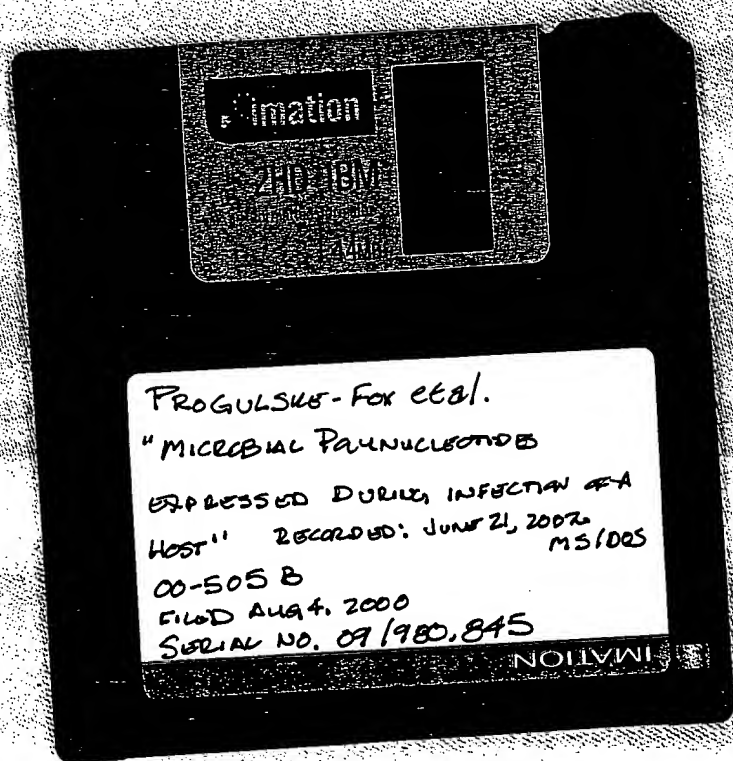
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        50                  55                  60

Lys Asp Leu Glu Thr Pro Thr Pro Tyr Asn Thr Tyr Val Ile Asp Gly
 65                  70                  75                  80

Leu Pro Pro Thr Pro Ile Ala Met Pro Ser Glu Glu Ala Leu Gln Ala
                85                  90                  95

Val Ala His Pro Ala Gln Thr Ala Phe Tyr Tyr Phe Val Ala Asp Gly
            100                 105                 110

Thr Gly Gly His Lys Phe Ser Arg Asn Leu Asn Glu His Asn Lys Ala
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Gly Glu Val Ile Ser Thr Arg Glu Pro Gly Gly Thr Pro Val Gly Gly
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Lys Ala Thr Pro Ser His
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14

PROGULSKE-FOX et al.

"MICROBIAL POLYNUCLEOTIDES
EXPRESSED DURING INFECTION OF A
HOST" RECORDED: JUNE 21, 2002
MS/DOS
00-505 B
FILED AUG 4, 2000
SERIAL NO. 09/980,845

imation
2HD IBM
2MB

IMATION

Hon. Commissioner of

Patents and Trademarks

S/N 09/980,845

Atty LMWH

Re: Applicant - Progulske-Fox

Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

☒ Transmittal Letter

☒ Other Response to Notice of Defective Response; Sequence listing (computer readable copy and written copy)

Fee Enclosed

$ -0-

June 24, 2002

Respectfully,

McDonnell Boehnen Hulbert & Berghoff

Attorney for Applicant

BEST AVAILABLE COPY

Hon. Commissioner of   S/N 09/980,845   Atty   LMWH
Patents and Trademarks

Re: Applicant - Progulske-Fox   Case No. 00-505-B

Microbial Polynucleotides Expressed During Infection Of A Host

525 Rec'd PCT/PTO 01 JUL 2002

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

☒ Transmittal Letter
☒ Other Response to Notice of Defective Response; Sequence listing (computer readable copy and written copy)

Fee Enclosed

$ -0-
June 24, 2002

Respectfully,
McDonnell Boehnen Hulbert & Berghoff
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 2 0 2006

OIPE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,845	Ann Progulske-Fox	00-505-B

INTERNATIONAL APPLICATION NO.		
PCT/US00/21340		

I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 01/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/15/2001
- Copy of the International Search Report filed on 11/15/2001
- Copy of IPE Report filed on 04/08/2002
- Information Disclosure Statements filed on 04/08/2002
- Biochemical Sequence Diskette filed on 04/08/2002
- Oath or Declaration filed on 04/08/2002
- Biochemical Sequence Listing filed on 04/08/2002
- Small Entity Statement filed on 11/15/2001
- Request for Immediate Examination filed on 11/15/2001
- Copy of references cited in ISR filed on 11/15/2001
- U.S. Basic National Fees filed on 11/15/2001

DOCKETED

JAN 0 7 2005
DUE DATE 2-3-05
BY

Applicant's response filed 04/08/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
    - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
    - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
    - APPLICANT MUST PROVIDE:
        - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
        - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

mbhb

McDonnell Boehnen Hulbert & Berghoff
Law Offices

URGENT

Fax transmittal

To	Examiner Vonda M. Wallace	Date	January 24, 2005
Company	USPTO	From	Lisa M.W. Hillman, Ph.D
Fax	703 746 6711	Direct	312 935 2371
Phone		Email	hillman@mbhb.com
Pages, with cover	1	C/M	665/ 6
Re			

Dear Examiner Wallace:

This paper is filed in response to the notice of defective response issued in the above-mentioned application on January 3, 2005. The notice states that the content of the computer readable form of the sequence listing does not comply with the sequence listing requirements and states that a marked-up copy of the raw sequence listing is attached to the notice. However, the marked-up copy of the raw sequence listing was not attached to the raw sequence listing. Applicants respectfully request that a copy of the marked-up sequence listing be sent to the undersigned at the Office's earliest convenience.

Thank you.

Lisa M.W. Hillman, Ph.D

mbhb

McDonnell Boehnen Hulbert & Berghoff
Law Offices

Fax transmittal

To	Examiner Vonda M. Wallace	Date	January 24, 2005
Company	USPTO	From	Lisa M.W. Hillman, Ph.D
Fax	703 746 6711	Direct	312 935 2371
Phone		Email	hillman@mbhb.com
Pages, with cover	1	C/M	665/ 6
Re			

Dear Examiner Wallace:

This paper is filed in response to the notice of defective response issued in the above-mentioned application on January 3, 2005. The notice states that the content of the computer readable form of the sequence listing does not comply with the sequence listing requirements and states that a marked-up copy of the raw sequence listing is attached to the notice. However, the marked-up copy of the raw sequence listing was not attached to the raw sequence listing. Applicants respectfully request that a copy of the marked-up sequence listing be sent to the undersigned at the Office's earliest convenience.

Thank you.

Lisa M.W. Hillman, Ph.D

*** SEND SUCCESSFUL ***   Job:369

Pages sent   :   01

End time   :   JAN-24 12:59

Start time   :   JAN-24 12:58

Doc. pages   :   01

To   :   817037466711

Date   :   JAN-24 12:58

Job   :   369

Name   :   MCDONNELL BOEHNEN HULBERT & BERGHOFF
Fax number   :   +3129130002
Time   :   JAN-24-05 12:59

CONFIRMATION REPORT - MEMORY SEND

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-505-B)

In re Application of:)
)

    Progulske-Fox   )

)   **Examiner: To Be Assigned**

Serial No.:   09/980,845   )

)   **Group Art Unit: To Be Assigned**

Filed: **August 4, 2000**   )

)

For: Microbial Polynucleotides Expressed   )
       During Infection of a Host   )

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

1.   We are transmitting herewith the attached papers for the above-identified patent application:
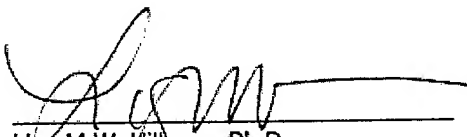
      ☒ Transmittal letter (in duplicate);
      ☒ Response to Notice of Defective Response;
      ☒ Copy of Notification of Defective Response;
      ☒ Paper copy of sequence listing;
      ☒ Diskette of sequence listing;
      ☒ Return Receipt Postcard

2.   **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

3.   **CERTIFICATE OF MAILING UNDER 37 CFR §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 3, 2005.

Dated: **February 3, 2005**   By: _____

                                     Lisa M.W. Hillman, Ph.D
                                     Reg. No. 43,673

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	Group Art Unit: TBA
Progulske-Fox)	Examiner: TBA
Serial No. 09/980,845)	Atty. Dckt. No.: 00-505-B
International Filing Date: Aug. 4, 2000)	Intnl. Appl. No.: PCT/US00/21340
Priority Date: Aug. 6, 1999)	

For: **MICROBIAL POLYNUCLEOTIDES EXPRESSED DURING INFECTION OF A HOST**

RESPONSE TO NOTICE OF DEFECTIVE RESPONSE

Commissioner for Patents
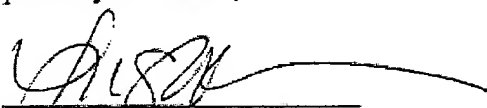P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Notification of Defective Response mailed on January 3, 2005, in the above-mentioned case. It is believed that no fee is due in connection with this filing; however, if a fee is due please charge our deposit account number 13-2490.

The Notification of Defective Response stated that the computer readable copy was unreadable and also stated that errors found in the sequence listing were attached to the Notice. However, there was no attachment to the Notice. Applicants requested the attachment from Examiner Vonda Wallace on January 24, 2005 via phone and facsimile. However, the attachment to the Notice has not been received by Applicants. Applicants respectfully request that any errors in the sequence listing be brought to their attention at the Office's earliest convenience.

Enclosed is a written copy and a computer-readable copy of the sequence listing in the above mentioned case. The information recorded in computer readable form is identical to the written sequence listing. No new matter is added by the sequence listing. Applicants respectfully request that the specification of the application be amended by deleting the previously filed sequence listing and the entry of the enclosed sequence listing.

Respectfully submitted,

Date: 2/3/05

By: _____
Lisa M.W. Hillman
Reg. No. 43,673

MCDONNELL, BOEHNEN,
HULBERT & BERGHOFF
300 South Wacker Drive
Chicago, IL 60606
(312) 913-0001

SEQUENCE LISTING

<110> Handfield, Martin
Brady, Jeannine
Progulske-Fox, Ann
Hillman, Jeffrey D.

<120> Microbial Polynucleotides Expressed During Infection of
a Host

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<140>
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<150> 60/147,551
<151> 1999-08-06

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ttttgtcctg cgttccggtg ccagattatt gccgacatca ttactgaaaa acatctatca 240
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ccaccgcact ttttctagcg ggttgttcct caaattcaag tgcgccgacg caatcctctg 360
agcaggcgaa ttctgttacg gctgtgaatc ccactgcggt gtacagtaag ccccgcactt 420
tggataactt caacgattat gtgaatttct taaaaggtaa agcagcggca gaaggcgttt 480
ctgccgacgt attgaatgca caaaataata ttaattatat tcaaaaatcc gtggatttgg 540
acgatcaaca agcnggcaga attcgcaagc gtgatccaaa tgccccgccg atcatnaatt 600
ccgaacggca cgaccaatta cttaaatcgt gtattaacca agaataaagt agacacggca 660
gaagcacgtt attgggaaca attgccgcag cttgaaaatg cttcaaagaa attcagcgta 720
ccgaaaaatt atctgttagc cttgtggggc atggagagta gctttggcta ttatcagggc 780
aattacgatg tgttatccac cttagccact cttgctttttg acggacgccg tgaagcctta 840
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agtgccggtg gaggcggnga aaattcactc acttggtgcg gaaggcaatg atgtgggatt 180
gaaagcccat catggcgggt ggataaagcg ttattttta tgtcggcaga tgcctttcct 240
gcgttaaatg cgttattaga cgaaaatttt tcgtatcagg acacagcagt ttacggcgag 300
aattttgtgg tttccgcgct gaatgaagat tccgtgtgtg tgggcgatat ttatcaaatc 360
ggctcctgcg tggtggaggt gtcgcagccg cgtaaacctt gtgagcgctt atcgaaaaat 420
accaataatc cgaacacgca acaaaccgtg tacgctncng ctggtcnggc tggtatgtgc 480
cggtggtacc ccaaggggga aattcaa   507

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ctgaacggtt cgcacagttg gtttgtggcg gacgcatcgg aagatttgac gcaactgcaa 180
caacgcttgg cacaacggga tattttgctt accgcaccgc ttatcggcga agaggacaaa 240
agtgcggtgg attttgagaa tgaaattttt gtcgcgcacc aagccttgtt ccatttgatg 300
cggcaagaac gcgtgaaagc cgcccgccgt ccgattttaa tgcaggcgca acagtttcaa 360
tggcaatttg aaccgaacgg tttgcgcctt aaattttatt tgccggcagg cagttacgcc 420
acggcgttgg tacgcgagct ggtgaatgtt gaaaactgaa aaacgagaag aaaaacagga 480
ataacaagaa catgaatatt ttattaagta acgatgacgg cattcacgcg ccgggcattc 540
gtgtgatggc agaacattgc gtaagattgc caatgtgacc atcgtcgcgc cggacagcaa 600
ccgcaagcgc cgccttcagt tncttaacct tggtgaagcc gntgtattcc gttcatttgg 660
naaagcggng attattgcgt caacngcacn cccggcggan tgcgtgcata ttgccctgac 720
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gggcgatgat gtgctatatt ccggcacggt cgcggcagca tttgaagggc gtcatctggg 840
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tattaacgtg cccgatgtgc cttacgaaga actgaaaggc attaaagtgt gccatttggg 1020
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aaaatgaagc tgcaaaccga tccgaccgtc atttacggca tgggcgacga ctacaacggc 180
aatattcgca aaaaagattt ggaaacgcca acgccttata acacctatgt gattgacggc 240
ttgccgccga caccgattgc gatgccgagt gaagaggcgt tacaggcggt ggcacatccg 300
gcgcaaacgg cgttttatta tttcgtggca gacggcacgg ggggacacaa attcagtcgt 360
aatttaaacg aacataacaa agcggtgcag caatatttgc gctggtaccg cgaacaaaac 420
ggaaaataat atggtaggca aatttattgt cattgaaggc ttggaaggcg caggcaaaag 480
caccgctcat caatgcgttg tggatacgtt aaaaacgtta ggtgttgggg aagtcatctc 540
tacccgcgag ccgggcggca cacccgttgg cggaaaagct acgccatctc attaaacatg 600
aaaaccaana gccngtgacc cgataaagcg gaattactca tgctgtatgc ngccgcctgc 660
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tagcaagccc cgccagttgg ctgtataaca acgcaaaaat gaatccgcac agaatcggaa 180
atgtcgggct gatgtaacgc gtcggcaagg caaattgcag tagacgcgcc aaggtaaaac 240
ccagcatcat cgccagtccg atatgcagcc ctgaaatggc aattaaatgc gccgtatttg 300
tttttttgata aatttgccaa gttttttggt ctaagcggaa acgttcgcca aaaccgagtg 360
ccagcaacaa gccttgtcgg ggtaaattct ccgtttgttg taaggcttga ttgagagcgg 420
tttggcgtaa cgaaaaaacg ttttccaatt tgaccgcact tttaatctct gcccaagcgg 480
tgatgtgctt gccgaaatac catggctggc ggtcaaaacc gtcaaaattc angcgggaag 540
aaagcgctcg caagcgtaaa ttgcctgcgt aacgttcgcc cggggttgac tggttgcttg 600
agtttccatt gcgcgtaaat acgttgttcn gggaagattt tcggcgaagt tttggcgccg 660
aataacccag gggttggata atgctgctga tgccanaaat ttccttgacn ggtaaatttc 720
cnggnggaac gggttttcgg cggcagattg gcaagattat ccgcctgggt cagtatggaa 780
attgccgatt ggtggacgta agcggactga atcatcaaga tc 822

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gttagagaaa ccttgaatca cattgccgtt ggtcggccag cgccatgcca cgttggatac 180
tgccggtgcg gtgcccgctt gggttatcgg ctgattggtt gccggtgcag cagtacctac 240
gccggcttta atcgggccgg taatcgtgcc gtcggaacca tattgtgtgc cgtttgcgcc 300
cggggtgtaa gttacggtcg gttcaccacc ttgcgtagcc ggttgggtga ccgtcggttg 360
catttgcggt gcagctttcg tttgcaccgt aaccgttgtg ccgcggctca cctttaaggt 420
ttgtccgacg cttaagctgt aaggttcgga catattattc aacgccgcca attctttcac 480
atccaaacca gaaatgtagg cgataaggaa catggtgtca cctttgcgta cggtatangt 540

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acctggaatg gtgaaatctt gggatgcctg ttgcgggtga attttccccg gcaggttggg 660
tttgcttaac ccggttgtgc tttgcaatgc aaactgttga tacatcggtt gaaaaatcgg 720
ctgcggagta gattgtgcgc cggtcgcctg tagattgttc gactgggcaa tcggaccgtt 780
catcgaagcg ggtacattgc cttgttggat ttgcggttcc catgtgctat tgccgccatc 840
ggttgaaccg tccaccggtt gcatgagtcc cggggataag gtaccgtcgg cgttttccac 900
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aaaagaaaaa tacaacttag acgtagaata cgttttattc atgactacgc cttgccaaac 180
actgcagtgt ctaaaggtga tttagacgtt aacgcaatgc aacataaacc gtatttagac 240
aaagattccc aagcgaaagg attgaacaac ttagtga          277
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<213> Actinobacillus actinomycetemcomitans

<400> 10
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gcgcgtcggc aacggcatgg tagggcgacg ccgtggttta aaccaagcca aagcggaatg 120
gcgcttattt aagctaaaac accatcttgg cattcaggga tttttatccg ggctattcac 180
ttttgtcctg cgttccggtg ccagattatt gccgacatca ttactgaaaa acatctatca 240
aacctttta agaaaataa              259
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<210> 11
<211> 459
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<213> Actinobacillus actinomycetemcomitans

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gttgccaaac gtattgaact cagtctggcg cagcaggtct taaatggaga cgttttgcaa 120
ctgaacggtt cgcacagttg gtttgtggcg gacgcatcgg aagatttgac gcaactgcaa 180
caacgcttgg cacaacggga tattttgctt accgcaccgc ttatcggcga agaggacaaa 240
agtgcggtgg attttgagaa tgaaattttt gtcgcgcacc aagccttgtt ccatttgatg 300
cggcaagaac gcgtgaaagc cgcccgccgt ccgattttaa tgcaggcgca acagtttcaa 360
tggcaatttg aaccgaacgg tttgcgcctt aaattttatt tgccggcagg cagttacgcc 420
acggcgttgg tacgcgagct ggtgaatgtt gaaaactga         459
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gccttcagtt ncttaacctt ggtgaagccg ntgtattccg ttcatttggn aaagcggnga 180
ttattgcgtc aacngcacnc ccggcggant gcgtgcatat tgccctgacg ggttttcttt 240
ccgggcgcat cgatttggtg atttccggca tcaacgccgg ggcgaacctg ggcgatgatg 300
tgctatattc cggcacggtc gcggcagcat ttgaagggcg tcatctgggc ttgccgtcta 360
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tggtgccgaa attacacgcc caattattag gcaaacacga aattctgaat attaacgtgc 480
ccgatgtgcc ttacgaagaa ctgaaaggca ttaaagtgtg ccatttgggc taccgttctt 540
ccgcttctga agtgattaaa cagcaaagcc cgcgtggcga agacatgtat tggatc   596

<210> 13
<211> 429
<212> DNA
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accggcattg ctgcagaacg cccacaagtg gcgtcggtat tcattaatcg gttaaaagcc 120
aaaatgaagc tgcaaaccga tccgaccgtc atttacggca tgggcgacga ctacaacggc 180
aatattcgca aaaagatttt ggaaacgcca acgccttata acacctatgt gattgacggc 240

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ttgccgccga caccgattgc gatgccgagt gaagaggcgt tacaggcggt ggcacatccg 300
gcgcaaacgg cgtttattat tttcgtggca gacggcacgg ggggacacaa attcagtcgt 360
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ggaaaataa                                                          429


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ccgggcggca cacccgttgg cggaaaagct acgccatctc at                     162


<210> 15
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<213> Actinobacillus actinomycetemcomitans


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Pro Ala Thr Ile Lys Val Gly Val Met Ala Gly Pro Glu His Gln Val
            20                  25                  30

Ala Glu Ile Ala Ala Lys Val Ala Lys Glu Lys Tyr Asn Leu Asp Val
        35                  40                  45

Glu Tyr Val Leu Phe Met Thr Thr Pro Cys Gln Thr Leu Gln Cys Leu
    50                  55                  60

Lys Val Ile
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<210> 16
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<212> PRT
<213> Actinobacillus actinomycetemcomitans


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Leu Val Tyr Ala Arg Val Gly Asn Gly Met Val Gly Arg Arg Arg Gly
            20                  25                  30

Leu Asn Gln Ala Lys Ala Glu Trp Arg Leu Phe Lys Leu Lys His His
        35                  40                  45

Leu Gly Ile Gln Gly Phe Leu Ser Gly Leu Phe Thr Phe Val Leu Arg
    50                  55                  60
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Ser Gly Ala Arg Leu Leu Pro Thr Ser Leu Leu Lys Asn Ile Tyr Gln
 65   70   75   80

Thr Phe Leu Arg Lys
                85

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<211> 152
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<213> Actinobacillus actinomycetemcomitans

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Phe Asn Leu Ile Val Ala Lys Arg Ile Glu Leu Ser Leu Ala Gln Gln
            20   25   30

Val Leu Asn Gly Asp Val Leu Gln Leu Asn Gly Ser His Ser Trp Phe
        35   40   45

Val Ala Asp Ala Ser Glu Asp Leu Thr Gln Leu Gln Gln Arg Leu Ala
    50   55   60

Gln Arg Asp Ile Leu Leu Thr Ala Pro Leu Ile Gly Glu Glu Asp Lys
 65   70   75   80

Ser Ala Val Asp Phe Glu Asn Glu Ile Phe Val Ala His Gln Ala Leu
            85   90   95

Phe His Leu Met Arg Gln Glu Arg Val Lys Ala Ala Arg Arg Pro Ile
            100   105   110

Leu Met Gln Ala Gln Gln Phe Gln Trp Gln Phe Glu Pro Asn Gly Leu
        115   120   125

Arg Leu Lys Phe Tyr Leu Pro Ala Gly Ser Tyr Ala Thr Ala Leu Val
    130   135   140

Arg Glu Leu Val Asn Val Glu Asn
145   150

<210> 18
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Arg Val Met Arg Thr Leu Arg Lys Ile Ala Asn Val Thr Ile Val Ala
            20   25   30

Pro Asp Ser Asn Arg Lys Arg Arg Leu Gln Xaa Leu Asn Leu Gly Glu
        35   40   45

Ala Xaa Val Phe Arg Ser Phe Gly Lys Ala Xaa Ile Ile Ala Ser Thr
    50   55   60

Ala Xaa Pro Ala Xaa Cys Val His Ile Ala Leu Thr Gly Phe Leu Ser
65   70   75   80

Gly Arg Ile Asp Leu Val Ile Ser Gly Ile Asn Ala Gly Ala Asn Leu
            85   90   95

Gly Asp Asp Val Leu Tyr Ser Gly Thr Val Ala Ala Ala Phe Glu Gly
            100   105   110

Arg His Leu Gly Leu Pro Ser Ile Ala Val Ser Leu Asp Gly Arg Gln
        115   120   125

His Phe Glu Thr Ala Ala Arg Val Val Cys Asp Leu Val Pro Lys Leu
    130   135   140

His Ala Gln Leu Leu Gly Lys His Glu Ile Leu Asn Ile Asn Val Pro
145   150   155   160

Asp Val Pro Tyr Glu Glu Leu Lys Gly Ile Lys Val Cys His Leu Gly
            165   170   175

Tyr Arg Ser Ser Ala Ser Glu Val Ile Lys Gln Gln Ser Pro Arg Gly
            180   185   190

Glu Asp Met Tyr Trp Ile
        195

<210> 19
<211> 142
<212> PRT
<213> Actinobacillus actinomycetemcomitans

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Asp Leu Pro Leu Ala Asn Pro Tyr Glu Met Leu Ile Leu Ala Ser Ile
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Val Glu Lys Glu Thr Gly Ile Ala Ala Glu Arg Pro Gln Val Ala Ser
                20   25   30

Val Phe Ile Asn Arg Leu Lys Ala Lys Met Lys Leu Gln Thr Asp Pro
            35   40   45

Thr Val Ile Tyr Gly Met Gly Asp Asp Tyr Asn Gly Asn Ile Arg Lys
        50   - 55   60

Lys Asp Leu Glu Thr Pro Thr Pro Tyr Asn Thr Tyr Val Ile Asp Gly
 65   70   75   80

Leu Pro Pro Thr Pro Ile Ala Met Pro Ser Glu Glu Ala Leu Gln Ala
                85   90   95

Val Ala His Pro Ala Gln Thr Ala Phe Tyr Tyr Phe Val Ala Asp Gly
            100   105   110

Thr Gly Gly His Lys Phe Ser Arg Asn Leu Asn Glu His Asn Lys Ala
        115   120   125

Val Gln Gln Tyr Leu Arg Trp Tyr Arg Glu Gln Asn Gly Lys
    130   135   140

<210> 20
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<213> Actinobacillus actinomycetemcomitans

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 1   5   10   15

Ser Thr Ala His Gln Cys Val Val Asp Thr Leu Lys Thr Leu Gly Val
                20   25   30

Gly Glu Val Ile Ser Thr Arg Glu Pro Gly Gly Thr Pro Val Gly Gly
            35   40   45

Lys Ala Thr Pro Ser His
        50

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INTERNATIONAL APPLICATION NO.
PCT/US00/21340

I.A. FILING DATE	PRIORITY DATE
08/04/2000	08/06/1999

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S Wacker Drive Suite 3200
Chicago, IL 60606

CONFIRMATION NO. 3701

371 FORMALITIES LETTER

OC000000008256428

Date Mailed: 01/03/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 11/15/2001
- Copy of the International Search Report filed on 11/15/2001
- Copy of IPE Report filed on 04/08/2002
- Information Disclosure Statements filed on 04/08/2002
- Biochemical Sequence Diskette filed on 04/08/2002
- Oath or Declaration filed on 04/08/2002
- Biochemical Sequence Listing filed on 04/08/2002
- Small Entity Statement filed on 11/15/2001
- Request for Immediate Examination filed on 11/15/2001
- Copy of references cited in ISR filed on 11/15/2001
- U.S. Basic National Fees filed on 11/15/2001

DOCKETED

JAN 0 7 2005

DUE DATE 2-3-05

BY

Applicant's response filed 04/08/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/28/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
    - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of Annex C of the Administrative Instructions and 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
    - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
    - APPLICANT MUST PROVIDE:
        - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
        - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
    - For Rules Interpretation, call (703) 308-4216
    - To Purchase PatentIn Software, call (703) 306-2600
    - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,845	PCT/US00/21340	00-505-B

FORM PCT/DO/EO/916 (371 Formalities Notice)

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING
ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information
Center (STIC) detected errors when processing the following computer readable
form:

Application Serial Number: _09/980,845A_
Source: _1Fw/_
Date Processed by STIC: _1/18/06_

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE
   APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A
   NOTICE TO COMPLY
FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT
MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
    http://www.uspto.gov/web/offices/pac/checker/cbkrnote.htm

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is
a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the
United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , EFS Submission
   User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
   U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
   Alexandria, VA 22314

Revised 01/10/06

Input Set : A:\seqlistcorrected.2002.06.21.txt
Output Set: N:\CRF4\01182006\I980845A.raw

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   3 <110> APPLICANT: Handfield, Martin
   4        Brady, Jeannine
   5        Progulske-Fox, Ann
   6        Hillman, Jeffrey D.
   8 <120> TITLE OF INVENTION: Microbial Polynucleotides Expressed During Infection of
   9        a Host
  11 <130> FILE REFERENCE: MBHB00-505B
C--> 13 <140> CURRENT APPLICATION NUMBER: US/09/980,845A
C--> 14 <141> CURRENT FILING DATE: 2001-11-15
  16 <150> PRIOR APPLICATION NUMBER: 60/147,551
  17 <151> PRIOR FILING DATE: 1999-08-06
  19 <150> PRIOR APPLICATION NUMBER: PCT/US00/21340
  20 <151> PRIOR FILING DATE: 2000-08-04
  22 <160> NUMBER OF SEQ ID NOS: 20
  24 <170> SOFTWARE: PatentIn Ver. 2.1
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Does Not Comply
Corrected Diskette Needed

p.4

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     Output Set: N:\CRF4\01182006\I980845A.raw
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 67 <221> NAME/KEY: misc_feature
 68 <222> LOCATION: (672)
 69 <223> OTHER INFORMATION: N stands for any nucleotide.
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 72 <221> NAME/KEY: misc_feature
 73 <222> LOCATION: (681)
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 79 <223> OTHER INFORMATION: N stands for any nucleotide.
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 89 ccagtttcac ccgttgcgct tccccgccgg acaggtggt agaggattgc cccaagcgaa 180
 90 tataagacaa gccacacgtca atcagggtt gcaatttacg cgcaatcatt ggaatggcat 240
 91 cgaaaaactc gcgcgcatct tccaccgtca tgtccagcac ctgatgaatg gttttacctt 300
 92 tgtagcggat ttccagggtt tcgcgattgt aacgcttgcc tttacattgg tcgcaaggca 360
 93 cgtacacatc gggcaggaag tgcatttcca ctttgattac gccgtcgccc tggcaggctt 420
 94 acagcgcccg ccgcgcacgt taaaactgaa acgccccggg ttataaccgc gcgcacgggc 480
 95 tttcggtacg ccggcaaaca attcgcgaat cggcgtgaat acgcccgtgt aagttgcccg 540
 96 gttggagcgt ggcgtgcgtc caatcnggct ttggttaata tcaatacttt atcgaaaaat 600
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 98 nttgtgcaat anggaacaaa ntgtcgttaa tcagtgtaga atttaccttta accggacacn 720
 99 ccngtgatgc aggtaaataa gcccacggga atgtctaaat tgacgttttt caggttgtta 780
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107 <213> ORGANISM: Actinobacillus actinomycetemcomitans
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112 aataaaacgt attctacgtc taagttgtat tttctttttg ccactttcgc tgcgatttca 180
113 gccacttggt gttccggtcc tgccatcacg cccactttga ttgttgccgg ggcttctgcc 240
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115 gaatacggag gctaatgttg cgacgcctaa taatttttttt caagttcata aaagatc 357
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W--> line 96

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 89 ccagtttcac ccgttgcgct tccccgccgg acagggtggt agaggattgc cccaagcgaa 180
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 93 cgtacacatc gggcaggaag tgcatttcca ctttgattac gccgtcgccc tggcaggctt 420
 94 acagcgcccg ccgcgcacgt taaaactgaa acgcccgggg ttataaccgc gcgcacgggc 480
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W--> 96 gttggagcgt ggcgtgcgtc caatcnggct ttggttaata tcaatacttt atcgaaaaat 600
 97 tccaaacctt taatggactt gtacngngaa acctcngcat tttctgcacn attaangcgt 660
 98 nttgtgcaat anggaacaaa ntgtcgttaa tcagtgtaga atttacctta accggacacn 720
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107 <213> ORGANISM: Actinobacillus actinomycetemcomitans
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112 aataaaacgt attctacgtc taagttgtat ttttcttttg ccactttcgc tgcgatttca 180
113 gccacttggt gttccggtcc tgccatcacg cccactttga ttgttgccgg ggcttctgcc 240
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Input Set : A:\seqlistcorrected.2002.06.21.txt
Output Set: N:\CRF4\01182006\I980845A.raw

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130 <222> LOCATION: (596)
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136 gcgcttattt aagctaaaac accatcttgg cattcaggga tttttatccg ggctattcac 180
137 ttttgtcctg cgttccggtg ccagattatt gccgacatca ttactgaaaa acatctatca 240
138 aacctttta agaaaataac atgatgaaat taaactgtat tttaaaata tccggaattt 300
139 ccaccgcact ttttctagcg ggttgttcct caaattcaag tgcgccgacg caatcctctg 360
140 agcaggcgaa ttctgttacg gctgtgaatc ccactgcggt gtacagtaag ccccgcactt 420
141 tggataactt caacgattat gtgaatttct taaaaggtaa agcagcggca gaaggcgttt 480
142 ctgccgacgt attgaatgca caaataata ttaattatat tcaaaaatcc gtggatttgg 540
143 acgatcaaca agcnggcaga attcgcaagc gtgatccaaa tgccccgccg atcatnaatt 600
144 ccgaacggca cgaccaatta cttaaatcgt gtattaacca agaataaagt agacacggca 660
145 gaagcacgtt attgggaaca attgccgcag cttgaaaatg cttcaaagaa attcagcgta 720
146 ccgaaaaatt atctgttagc cttgtggggc atggagagta gctttggcta ttatcagggc 780
147 aattacgatg tgttatccac cttagccact cttgcttttg acggacgccg tgaagcctta 840
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W--> 143

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[handwritten annotation: "'n' can only represent a single nucleotide"]

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274 agtgccggtg gaggcggnga aaattcactc acttggtgcg gaaggcaatg atgtgggatt 180
275 gaaagcccat catggcgggt ggataaagcg ttatttttta tgtcggcaga tgcctttcct 240
276 gcgttaaatg cgttattaga cgaaaatttt tcgtatcagg acacagcagt ttacggcgag 300
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278 ggctcctgcg tggtggaggt gtcgcagccg cgtaaacctt gtgagcgctt atcgaaaaat 420
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300 <222> LOCATION: (661)
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Input Set : A:\seqlistcorrected.2002.06.21.txt
Output Set: N:\CRF4\01182006\I980845A.raw

Please Note:
Use of n and/or Xaa have been detected in the Sequence Listing. Please review the
Sequence Listing to ensure that a corresponding explanation is presented in the <220>
to <223> fields of each sequence which presents at least one n or Xaa.

Seq#:1; N Pos. 566,625,627,636,650,656,661,672,681,720,723
Seq#:3; N Pos. 554,596
Seq#:4; N Pos. 4,8,21,23,29,32,35,36,39,42,45,49,52,55,61,62,65,69,73,97
Seq#:4; N Pos. 102,138,457,459,467
Seq#:5; N Pos. 622,642,661,669,685,690,700
Seq#:6; N Pos. 609,614,651,665
Seq#:7; N Pos. 532,630,696,710,722,725
Seq#:8; N Pos. 538
Seq#:12; N Pos. 131,151,170,178,194,199,209
Seq#:18; Xaa Pos. 43,50,59,66,69

L:13 M:270 C: Current Application Number differs, Replaced Application Number
L:14 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:96 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:1 after pos.:540
M:341 Repeated in SeqNo=1
L:143 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:3 after pos.:540
L:272 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:4 after pos.:0
M:341 Repeated in SeqNo=4
L:334 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:5 after pos.:600
M:341 Repeated in SeqNo=5
L:381 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:6 after pos.:600
M:341 Repeated in SeqNo=6
L:429 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:7 after pos.:480
M:341 Repeated in SeqNo=7
L:456 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:8 after pos.:480
L:551 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:12 after pos.:120
M:341 Repeated in SeqNo=12
L:709 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:18 after pos.:32
M:341 Repeated in SeqNo=18

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Microbial Polynucleotides Expressed During Infection of a Host

the specification of which is attached hereto unless the following space is checked:

☒ was filed on <u>November 15, 2001</u> as United States Application Serial Number <u>09/980,845</u>.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	Number	Country	Day/Month/Year Filed
1.	US00/21340	PCT	August 4, 2000
2.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	Application Number	Filing Date
1.	60/147,551	August 6, 1999
2.		

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	Application Number	Filing Date	Status: patented, pending, abandoned
1.			
2.			

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.
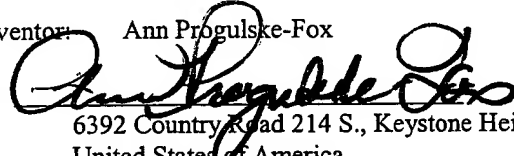
Customer Number: **020306**

- 1 -

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Principal attorney or agent: <u>Lisa M.W. Hillman</u>
Telephone number: 312-913-0001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Ann Progulske-Fox

Inventor's signature: _____ Date: __3/20/02__
Residence: 6392 Country Road 214 S., Keystone Heights, Florida 32656
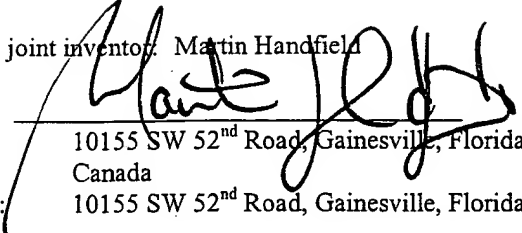Citizenship: United States of America
Post Office Address: 6392 Country Road 214 S., Keystone Heights, Florida 32656

- 2 -

Full name of second joint inventor: Martin Handfield
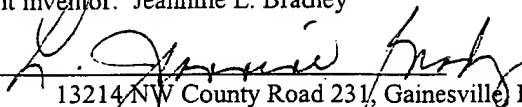
Inventor's signature: _____ Date: 3/20/02

Residence: 10155 SW 52nd Road, Gainesville, Florida 32608

Citizenship: Canada

Post Office Address: 10155 SW 52nd Road, Gainesville, Florida 32608

Full name of third joint inventor: Jeannine L. Bradley

Inventor's signature: _____ Date: 3/20/02

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Post Office Address: 13214 NW County Road 231, Gainesville, Florida 32609

- 4 -

Full name of fourth joint inventor: Jeffrey D. Hillman

Inventor's signature: _____ Date: _3/11/02_

Residence: 6424 SW 26th Place, Gainesville, Florida 32608
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Post Office Address: 6424 SW 26th Place, Gainesville, Florida 32608

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No.00-505-B)

In the Application of:)	
)	
Progulske-Fox)	**Art Group:** Not assigned
)	
Serial No.: 09/980,845)	
)	**Examiner:** Not assigned
Filed: August 4, 2000)	
)	
For: Microbial Polynucleotides Expressed)	
During Infection of a Host)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1.   The Compact Disc contained herein "00-505 ST25" submitted under 37 C.F.R.§1.52(e):

    ☒ Is formatted for IBM-PC Machines
    ☒ Is compatible with MS-Windows Operating System
    ☒ Contains the file "00-505 ST25" which is 26,624
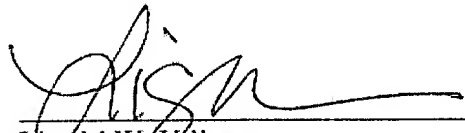   bytes in size and was created on 03/16/2006.

2.   Statement under 37 C.F.R. § 1.52(e)(4): The undersigned certifies that the original CD-R submitted herein, titled "00-505 ST25" (COPY 2) and the copy CD-R entitled "00-505 ST25" (COPY 1) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: March 16, 2006   By:

Lisa M.W. Hillman
Reg. No. 43,673

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